Case 2:22-cv-00331-TLN-JDP Document 12 Filed 04/01/22 Page 1 of 4 1 Steven A. Groode, Bar No. 210500 sgroode@littler.com 2 Jannine E. Kranz, Bar No. 272389 jkranz@littler.com 3 LITTLER MENDELSON, P.C. 2049 Century Park East 4 5th Floor Los Angeles, California 90067.3107 5 Telephone: 310.553.0308 Fax No.: 310.553.5583 6 Attorneys for Defendants 7 MEDLINE INDUSTRIES LP (formerly known as "MEDLINE INDUSTRIES, INC.") AND MEDLINE 8 INDUSTRIES HOLDINGS, L.P. 9 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 10 11 DEJA NAIR, on behalf of herself and all other Case No. 2:22-CV-00331-TLN-JDP 12 similarly situated, and as an "aggrieved employee" on behalf of other "aggrieved STIPULATION AND ORDER TO STAY 13 employees" under the Labor Code Practice ACTION Attorneys General Act of 2004, 14 Plaintiff, 15 16 v. 17 MEDLINE INDUSTRIES, INC., an Illinois corporation; MEDLINE INDUSTRIES HOLDINGS, L. P., a Delaware limited 18 partnership; MEDLINE INDUSTRIES, LP, an 19 Illinois limited partnership; and DOES 1-50, inclusive. 20 Defendants. 21 22 23 24 25 26 27

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.ITTLER MENDELSON, P.C. 2049 Century Park East 5th Floor Los Angeles, CA 90067.3107 310.553.0308

JOINT STIPULATION

Plaintiff Deja Nair ("Plaintiff") and Defendants Medline Industries, LP (formerly known as "Medline Industries, Inc.") and Medline Industries Holdings, L.P. (collectively, "Defendants" or "Medline") (collectively the "Parties"), by and through their respective counsel of record hereby stipulate and agree as follows:

WHEREAS, Plaintiff and Medline are parties to an arbitration agreement.

WHEREAS, Plaintiff's operative First Amended Complaint contains a cause of action for civil penalties under the California's Private Attorneys General Act ("PAGA").

WHEREAS on December 15, 2021, the U.S. Supreme Court granted certiorari in *Moriana v. Viking River Cruises, Inc.*, No. B297327, 2020 WL 5584508 (Cal. Ct. App. Sept. 18, 2020), *review denied* (Dec. 9, 2020), *cert. granted*, No. 20-1573, 2021 WL 5911481 (U.S. Dec. 15, 2021) (Supreme Court Case No. 20-1573) ("Viking River"), to decide whether the Federal Arbitration Act requires enforcement of a bilateral arbitration agreement providing that an employee cannot raise representative claims, including under the PAGA – in other words, challenging the holding of the California Supreme Court in *Iskanian v. CLS Transportation Los Angeles, LLC*, 59 Cal. 4th 348 (2014) ("*Iskanian*").

WHEREAS, *Viking River* is scheduled to be heard this term (i.e., the October 2021-June 2022 term), with oral argument held on March 30, 2022.

WHEREAS, given the normal schedule of the U.S. Supreme Court, and fact that oral argument has been heard, a decision will be issued by June 30, 2022 before the summer recess.

WHEREAS, the Parties believe that judicial economy would be served by a brief stay of this matter to allow for a decision by the U.S. Supreme Court in *Viking River Cruises* as the decision in that case is likely to impact the Parties and rights and obligations under the arbitration agreement.

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1	WHEREFORE, it is agreed and stipulated by the Parties that:		
2	1. This case be stayed in its entirety pending a decision from the U.S. Supreme Court in		
3	Viking River;		
4	2. The Court vacate all pre-trial deadlines to conserve the resources of this Court and	nd the	
5	Parties pending the decision in <i>Viking River</i> ;		
6	3. The Parties shall file a joint status reported within 30 days of the Supreme C	ourt's	
7	decision in Viking River.		
8	IT IS SO STIPULATED.		
9	Batea. Maren 51, 2022		
10	Respectfully submitted,		
11	LITTLER MENDELSON, P.C.		
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15	MEDLÍNE INDUSTRIES LP (formerly kno as "MEDLINE INDUSTRIES, INC.") AND MEDLINE INDUSTRIES HOLDINGS, L.I		
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17	Dated: March 31, 2022 /s/ DAVID G. SPIVAK		
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SON, P.C. k East	STIPULATION AND ORDER 2. CASE NO. 2:22-CV-00331-TLN-J	DP	

LITTLER MENDELSON, P.C. 2049 Century Park East 5th Floor Los Angeles, CA 90067.3107 310.553.0308

1	<u>ORDER</u>
2	Pursuant to the Parties' stipulation and good cause appearing, the Joint Stipulation to Stay
3	Action is GRANTED :
4	1. This case shall be stayed in its entirety pending a decision from the United States Supreme
5	Court in Moriana v. Viking River Cruises, Inc., No. B297327, 2020 WL 5584508 (Cal. Ct.
6	App. Sept. 18, 2020), review denied (Dec. 9, 2020), cert. granted, No. 20-1573, 2021 WL
7	5911481 (U.S. Dec. 15, 2021) (Supreme Court Case No. 20-1573) ("Viking River").
8	2. All case deadlines are hereby vacated pending the decision in <i>Viking River</i> .
9	3. The Parties shall file a joint status report within 30 days of the decision in Viking River.
10	IT IS SO ORDERED.
11	DATED: April 1, 2022
12	- My - Mintell
13	Troy L. Nunley United States District Judge
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